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The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Agenda No. 3
01/27/09

**Re: PROJECT NO. R200502441-(5)
CONDITIONAL USE PERMIT NO. 200700074-(5)
FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced permit which sought to authorize the continued operation and maintenance of an existing dog kennel and the construction of related improvements, located at 31425 223rd Street East in the unincorporated area of Antelope Valley. At the completion of the hearing you indicated an intent to deny the permit and instructed us to prepare findings for denial. Enclosed are findings for your consideration.

Very truly yours,

ROBERT E. KALUNIAN
Acting County Counsel

By 
LAWRENCE L. HAFETZ
Principal Deputy County Counsel
Property Division

APPROVED AND RELEASED:


JOHN F. KRATTLI
Senior Assistant County Counsel

LLH:sh
Enclosure

HOA.630006.1

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NUMBER R200502441-(5)
CONDITIONAL USE PERMIT CASE NUMBER 200700074-(5)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing in the matter of Conditional Use Permit Case No. 200700074-(5) ("CUP") on January 27, 2009. The CUP was heard concurrently with Zone Change Case No. 200500016-(5) ("Zone Change"). The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the CUP and Zone Change on January 30, 2008.
2. The applicant, Lynn Adams, requests the CUP and Zone Change to authorize the continued operation of an existing 1,200-square-foot dog kennel, with a capacity for 50 dogs, and the construction of a fenced pool for an existing single-family residence, two 784-square-foot shade structures, and fencing for a dog-run, all on a five-acre parcel.
3. The subject property is located at 31425 223rd Street East in the unincorporated area of Antelope Valley, Antelope Valley East Zoned District.
4. The subject property is currently zoned A-1-1 (Light Agriculture-One Acre Minimum Lot Area), which zone does not permit dog kennels.
5. The surrounding properties are zoned as follows:

North: A-1-1;
South A-1-1;
West: A-1-1; and
East: A-1-1.
6. The subject property is currently developed with an existing single-family residence, attached living quarters for servants, a 1,200-square-foot structure with bathroom, used as a dog kennel, and three fenced areas for dog exercise.
7. Access to the site is provided by East 223rd Street and Graham Street.
8. The applicant's existing use of the property would be permitted in the A-2 zone but, as noted above, not in the A-1 zone. On July 11, 2005, the County Department of Regional Planning ("Regional Planning") issued the applicant a Notice of Violation for illegally operating a dog kennel in the A-1 zone. In August 2005, the Director of Regional Planning issued the applicant a "clean hands waiver" under section 22.04.110 of the Los Angeles County Code ("County Code"), which allowed the applicant to continue her operation while processing applications for the CUP and Zone Change.

9. Title 22 of the County Code permits single-family residences, with attached living quarters for servants, and dog kennels, in the A-2 zone. Concurrent with the CUP, the applicant seeks a Zone Change from A-1-1 to A-2-2-DP (Heavy Agriculture-Two Acre Minimum Lot Area-Development Program) to authorize the existing use.
10. The CUP is required by the proposed -DP designation to ensure that a dog kennel is appropriate for the site and remains compatible with the surrounding community. Section 22.40.030 of the County Code provides that the purpose of the -DP zoning designation is to ensure that development conforms to the plans and exhibits submitted by the applicant in instances where such plans and exhibits constitute a critical factor in deciding whether to rezone the subject property.
11. The site plan for the project, labeled Exhibit "A," depicts the existing residence, an existing 1,200-square-foot dog kennel, two proposed 784-square-foot shade structures, dog-run fencing, and a fenced pool for the existing residence.
12. The subject property is located within the area covered by the Antelope Valley Area Plan ("Area Plan") and is designated in the Area Plan as Non-urban 1. Pursuant to such designation, non-residential uses appropriate for remote locations may be allowed subject to the general guideline that the application process for such uses include a public hearing, and that the uses are appropriately conditioned to minimize their potential negative impacts to adjacent land uses.
13. Prior to the Commission's public hearing, an Initial Study was prepared for the project under the California Environmental Quality Act. Based on the Initial Study, staff from Regional Planning determined that a Negative Declaration was the appropriate environmental document for the project, finding that there was no substantial evidence that the project would have a significant effect on the environment.
14. At the Commission's January 30, 2008 public hearing, the Commission heard a presentation from Regional Planning staff and testimony from the applicant's representative. There was no opposition testimony given at the public hearing. After all testimony was heard, the Commission closed the public hearing and indicated its intent to approve the CUP and recommend approval of the Zone Change to the Board, subject to several amendments to the conditions of approval related to, among other things, the frequency of Regional Planning inspections of the facility, and extensions of the CUP term. On March 26, 2008, the Commission gave final approval of the CUP and recommended the Zone Change to the Board.

15. Pursuant to section 22.60.230(B)(2) of the County Code, because the project approvals included a recommendation by the Commission to the Board on the Zone Change, the CUP was called up for review by the Board with the request for the Zone Change.
16. The Board conducted its public hearing on the project on January 27, 2009. At the public hearing, the Board heard a presentation from Regional Planning staff and testimony from staff of the County Department of Animal Care and Control ("Animal C&C"). No testimony was given by the applicant, its representatives, or any person in favor of, or in opposition to, the project.
17. At the Board's public hearing, Animal C&C testified that the site had been inspected by Animal C&C at least four times within the past year, and that the inspections showed numerous violations of Title 10 of the County Code relating to animal control and health ("Animal Code"). The violations included: (1) inadequate dog fencing, allowing dogs to roam off the property; (2) inadequate shelter for the dogs; (3) a lack of kennel runs at the site, leaving dogs to roam together in one open yard with the potential for injuring other dogs; and (4) deteriorated caging for dogs kept overnight at the facility. According to Animal C&C, these violations had not been corrected as of the date of the Board's public hearing.
18. At the Board's public hearing, Animal C&C further testified that dogs had been injured at the facility in the past, and that staff of Animal C&C would not place their own personal animals at this facility.
19. The Board finds that the safety of animals in private kennels is paramount to animal owners who board their animals at these facilities.
20. The Board finds that over the past year, Regional Planning and Animal C&C have investigated the operations and practices of the applicant, who showed a lack of willingness to work cooperatively with the departments in their investigations.
21. The Board finds that over the past year, Regional Planning and Animal C&C inspections showed numerous Animal Code violations at the site, and that the applicant failed to use good faith efforts to address these violations. The Board further finds that, as of the date of the Board hearing, these violations have not been corrected.
22. The Board finds that the operation of the applicant's kennel may adversely impact the boarded animals and the surrounding property owners.
23. The Board finds that operation of the applicant's kennel at this location may jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare of persons using the facility and/or to the neighboring community, and would not constitute good zoning practice.

24. The Board finds that the proposed use will be materially detrimental to the use, enjoyment, and/or valuation of property of persons living in the vicinity of the facility.
25. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is at the Los Angeles County Department of Regional Planning, Hall of Records, 13th Floor, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

1. That the requested use at the proposed location will adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
2. That placement of the proposed use at such location will not be in the interest of public health, safety, and/or general welfare, nor in conformity with good zoning practice; and
3. That the information submitted by the applicant and presented at the public hearing does not substantiate the required findings and burden of proof for a CUP as set forth in section 22.56.090.

THEREFORE, THE BOARD OF SUPERVISORS:

Denies Conditional Use Permit Case No. 200700074-(5).